ordered on the ground that his debts had been paid in full he could be under no liability to the plaintiff in respect of a debt which existed prior to the adjudication. This argument could only apply to the sum of $10,259.22 mentioned above, and for the reasons given in the next paragraph I am unable to hold that this liability has in fact been discharged, even though the purported discharge was one of the grounds of annulment. Argument (c) therefore fails.

Argument (d) appears to be based on the fact that in the statement attached to the Official Assignee's report to the Court in the proceedings for annulment a sum of $10,259.22 is shown as a "deposit to meet Messrs. Shearn Delamore & Co.'s bill of costs proved by Custodian of Enemy Property, Selangor". The report states that this sum is shown as a deposit because the defendant had expressed his intention of appealing against the claim for costs. The amount seems to have been earmarked as a potential payment to a creditor in the bankruptcy, subject to the decision of the Court as to whether it was payable or not. The matter never came before the Court, and the deposit must have been released by the Official Assignee in pursuance of the annulment. At all events the bill has not been paid, and it remains a liability of the defendant. By reason of the annulment it is unnecessary now to consider the position of the Custodian in the matter.

Argument (e) fails because the plaintiff is not claiming in bankruptcy. As I have already held above, annulment brought an end to the bankruptcy proceedings and put the defendant back in the position he was in before they were commenced. Moreover the plaintiff, strictly speaking, is making no claim; her right to payment subsists by virtue of the judgment given in her favour, and the defendant is called upon to show cause why that right should not be enforced by execution.

Argument (f) which is directed to the order of á Beckett Terrell, J., for the delivery of possession of such of the properties registered in the name of Tan Hock Bee or Tan Kee Boo as had not been sold at the date of the judgment, overlooks the effect of the declarations which precede the order for delivery of possession, namely, that all the immovable property registered in those two names was the property of the defendant's eldest brother, deceased. The obligation cast upon the defendant is not, therefore, to transfer to the plaintiff the titles to such lands as remain unsold, but to deliver to the plaintiff possession of the lands. If he is in possession of any lands which at the date of the judgment were registered in either of the above names, he is under a legal duty to hand them over to the plaintiff whether the documents of title are in existence or not. If they have been lost or destroyed, the plaintiff can always have recourse, if so advised, to the procedure in section 100 of the Land Code.

I hold that the defendant has failed to show cause, on any of the above grounds put forward on his behalf, why execution should not issue. I accordingly order the decree to be executed, and I further order that the defendant pay the plaintiff's costs of the proceedings on the notice to show cause.

Order accordingly.

Re G. B. TIRU-CHELVAM.

[O. C. J. (Mathew, C.J.) October 8, 1953]

[K.L. — Petition for Admission No. 21 of 1953]

Advocates and Solicitors Ordinance, 1947, s. 5(2) and (5) — Shortening of period to attend and receive instruction in law.

The applicant, a Barrister-at-Law, applied to the Court that the notice referred to under section 5(2) of the Advocates and Solicitors Ordinance as required to be posted be shortened, and that the period during which the applicant is required to attend and receive instruction in law be shortened.

His special grounds for shortening the period during which notices are required to be posted were: (i) that he had read in Chambers of a practising barrister of 7 years standing from 19th May 1952 to 28th February 1953 and further served as Circuit Magistrate, Province Wellesley from 10th March to 10th May 1953 and subsequently as Acting Senior Registrar, Supreme Court, Kuala Lumpur; (ii) that he was 53 years old and about to retire from Government service and in poor health.

Held: (1) there must be more than one ground for exercising discretion under section 5(5) of the Advocates and Solicitors Ordinance and such grounds must be substantial; (2) in the circumstances of this case there were insufficient grounds for the exercise of the Court's discretion.

Cases referred to:—

(1) *Re Ramaswami* (Petition for Admission No. 10 of 1950 — unreported).

(2) *Re Ahmad bin Mohamed Ibrahim* reviewed in (1946) M.L.J. lxi.

PETITION FOR ADMISSION.

C. Mills for the applicant.

K. K. Benjamin for the Bar Committee: Selangor, Negri Sembilan and Kelantan.

Peter Hall for the Bar Council, F.M.

Cur. Adv. Vult.

Mathew, C.J.: — The applicant has moved the Court to exercise its discretionary powers under section 5(5) of the Advocates and Solicitors Ordinance, 1947, and has asked that an order be made:—

(a) that the notice referred to under sub-section (2) of section 5 of the Ordinance as required to be posted be shortened, and

(b) that the period during which the applicant is required to attend and receive instruction in law be shortened.

Both the Bar Council and the Local Bar Committee of Selangor, Negri Sembilan and Kelantan are opposed to the making of the orders prayed.

The applicant was called to the Bar in absentia on the 23rd of June 1953. Prior to his call, he read in the Chambers of Mr. Jayaswal (of Malacca) for a few days over nine months. From the 10th of March to the 10th of May in 1953 he acted as Circuit Magistrate in Province Wellesley, and since then he has been acting as the Senior Assistant Registrar, Supreme Court, Kuala Lumpur.

The special grounds for shortening the period during which notices are required to be posted are :—

"(i) I have read in the Chambers of a practising barrister of 7 years standing from 19th May 1952 to 28th February 1953 and further served as Circuit Magistrate, Province Wellesley from 10th March to 10th May 1953 and subsequently as Acting Senior Assistant Registrar, Supreme Court, Kuala Lumpur.

(ii) I am fifty-three years old, an age at which the prospect of retirement looms in the offing to the general run of people. Whereas, in my particular case I am just about to launch into the profession in a state of health which is none too robust or re-assuring."

One of the purposes of the Ordinance is to ensure that only those persons are admitted to practice the law in the Federation who, in addition to the necessary academic qualifications, have practical experience to fit them to deal with any kind of legal work with which a practitioner in the Federation may be called upon to deal. The Ordinance requires that a petitioner for admission shall attend and receive instruction in the office of a practitioner of not less than 7 years standing, for a period the length of which depends on whether he has "read in Chambers" for a period of six months or longer. Under section 5(5) this prescribed period can be shortened or dispensed with in the discretion of the Court, if special grounds are shown to exist. Only one special ground is specifically referred to in the section which reads :—

".....one of which may be that the petitioner has been engaged in any part of His Majesty's Dominions .....or as an Advocate and Solicitor in the Colony."

Assuming for the moment that acting as a Magistrate and as a Senior Assistant Registrar constitutes "engaging in the actual practice of his profession", I do not consider that a few months of acting in these posts are sufficient in themselves to justify the exercise of the discretion under section 5(5) of the Ordinance on the ground of practice.

In *Re Ramaswami*[1] the period of instruction was shortened, because the petitioner had 19 years of experience in the Judicial Department, the last four of them as Senior Assistant Registrar. It is reasonable to assume that wide experience of this kind plus 3 months instruction would enable a person to satisfy a Board appointed under section 7 of the Ordinance.

I do not consider that nine months instruction prior to call to the Bar plus a few months service in the Judicial Department is a sufficient ground for shortening the period of instruction, in the absence of special circumstances such as were to be found in *Re Ahmad bin Mohamed Ibrahim*[2], in particular the interruption of instruction occasioned by the war, the further period of instruction after the war, and the very considerable period spent in performing judicial functions.

There must be more than one ground for exercising discretion under section 5(5), and the other ground put forward is impending retirement and poor health. I can appreciate the desire of the applicant to be admitted without delay, but the possibility that the applicant may only enjoy a few years of practice after admission does not in itself justify an exercise of the Court's discretion. There must be substantial reasons before the Court for the exercise of its discretion under section 5(5), and in my view these are absent.

It will be inconvenient for the applicant if I make no order on this motion. Taking into consideration that he has already received nine months instruction prior to call to the Bar I think it proper that he should undergo further instruction for a period of three months and I so order.

Order accordingly.

P. P. V. P. L. MEENATCHI (w)
v.
LALL SINGH & ORS

[C. A. (Brown, Ag. C.J., Mathew, C.J. (F.M.) and Buttrose, J.) October 14, 1953]

[Singapore — Civil Appeal No. 14 of 1953]

Hindu Law — Joint Family — "Karta" or the Managing member — Female member of family can become "Karta".

This was an appeal from the order of Whitton, J. on a Summons dismissing the appellant's application to amend her writ upon the ground that being a woman she does not possess the legal capacity in which she now seeks to carry the action, Suit No. 300 of 1952 (see report at p. 171 ante).

Held: a female member of a Hindu Joint Family, though not a co-parcener in the family, is in the absence of an adult male member competent to act as "Karta" and there is no reason why she should become incompetent so to act when the male member becomes of age.

Judgment of Whitton, J. reported in (1953). M.L.J. 171 reversed.